

# Cooley

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December 20, 2017

The Honorable Nicholas G. Garaufis  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 12201

Re: *State of New York, et al., v. Donald Trump, et al.*, No. 1:17-cv-05228-NGG-JO;  
AND,  
*Batalla Vidal, et al. v. Baran, et al.*, No. 1:16-cv-04756-NGG-JO

- (1) **Notice of Appearance by Kara C. Wilson as Counsel for Proposed *Amici*, Legal Services Organizations**
- (2) **Consent Motion for Leave to File Brief of Legal Services Organizations as *Amici Curiae***

Dear Judge Garaufis:

This firm serves as *pro bono* counsel to the legal services organizations listed below (collectively “proposed *amici*”).<sup>1</sup> I respectfully submit this letter to enter my appearance on behalf of proposed *amici* and to seek the Court’s leave to file an *amicus* brief in support of Plaintiffs’ motions for preliminary injunction in the above-captioned parallel cases.<sup>2</sup> All of the parties consent to the motion for leave to file an *amicus* brief.<sup>3</sup>

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<sup>1</sup> Please see the attached Appendix A for descriptions of proposed *amici*.

<sup>2</sup> Proposed *amici* respectfully submit this letter motion under Section II.A. of Your Honor’s Individual Rules, which requires communications with chambers to be made via letter. In the alternative, proposed *amici* request a pre-motion conference to authorize leave to file an *amicus* brief, pursuant to Rule III.A of Your Honor’s Individual Rules.

<sup>3</sup> This firm is separately filing another letter motion with this Court on behalf of several educational organizations seeking leave to file an *amicus* brief regarding the distinct issue of how the rescission of DACA will cause educational harms to children in kindergarten through twelfth grade.

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## Proposed *Amici*<sup>4</sup>

Asian Law Alliance  
Canal Alliance  
Centro Legal de la Raza  
Children's Law Center of Massachusetts (CLCM)  
Community Legal Services in East Palo Alto (CLSEPA)  
Dolores Street Community Services  
East Bay Sanctuary Covenant  
Heartland Alliance's National Immigrant Justice Center (NIJC)  
Hebrew Immigrant Aid Society (HIAS) Pennsylvania  
Immigrant Legal Resource Center (ILRC)  
Justice Center of Southeast Massachusetts  
Just Neighbors  
Legal Aid Justice Center (LAJC)  
The Legal Aid Society of San Mateo County (LASSMC)  
Legal Services for Children (LSC)  
Massachusetts Law Reform Institute (MLRI)  
National Justice for Our Neighbors  
New York Legal Assistance Group (NYLAG)  
Northwest Immigrant Rights Project  
OneJustice  
Rocky Mountain Immigrant Advocacy Network (RMIAN)  
Services, Immigrant Rights, and Education Network (SIREN)

"A district court has broad discretion to grant or deny an appearance as amicus curiae in a given case." *Andersen v. Leavitt*, No. 03-cv-6115 (DRH)(ARL), 2007 WL 2343672, at \*2 (E.D.N.Y. Aug. 13, 2007). Furthermore, "[a]n amicus brief should normally be allowed when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *Disability Advocates, Inc., v. David A. Paterson, et al.*, No. 1:03-cv-03209-NGG-MDG, Doc. 388, at 2 (E.D.N.Y. Nov. 24, 2009). Proposed *amici* offer a unique and important perspective on the issues before the Court, and for the reasons stated below, request leave to file a brief as *amicus curiae*.

Proposed *amici* are legal services organizations, described in Appendix A, that provide a range of legal services, education, and advocacy for their communities, in immigration and other areas (such as housing and civil rights). Proposed *amici* have a substantial interest in the Court's resolution of this case because the issues this Court will decide have a direct impact on their work and their clients. Many of their clients were eligible for the recently rescinded Deferred Action

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<sup>4</sup> Amici may include additional, similar legal services organizations whose participation is pending.

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for Childhood Arrivals (“DACA”) program. Proposed *amici* provide legal counseling to these DACA-eligible individuals, and help guide them through the intricacies of the immigration system. As a result of their regular interaction with undocumented immigrants, including DACA-eligible individuals, proposed *amici* are well-positioned to articulate the nature of the irreparable harms at issue and the reasons an injunction serves the public interest. These legal services organizations understand the complex legal challenges now facing DACA grantees in light of the rescission of DACA and have observed the negative effects on the communities they serve.<sup>5</sup>

Proposed *amici*’s brief is desirable because it will assist the Court by providing important information about the harmful impact of the rescission of DACA on proposed *amici*’s clients and the public interest. Proposed *amici* have specialized knowledge of and experience with the complexities of the immigration system—a system that provides no other viable option for most of these young DACA recipients to avoid deportation. Because most DACA recipients are not eligible for immigration relief, they are at risk of losing countless essential benefits once their DACA status expires, including their jobs, health insurance, and the ability to live a life free of fear and anxiety about deportation.

The brief of proposed *amici* also speaks to the harmful effects of the rescission of DACA on the community. The rescission of DACA only further intensifies the fear that is already rife in the immigrant community due to the harsh enforcement policies and tactics pursued by the Trump administration. Immigrants fearing deportation are afraid to go to school, access essential and life-saving services such as medical care, and report crime. This fear endangers public health and safety. Proposed *amici*, legal services organizations that counsel, advocate, and have regular contact with the immigrant community, are well-positioned to provide a unique perspective on the pervasive nature of these harms to this Court.

Proposed *amici* have a concrete interest in the outcome of this case. Their brief presents the valuable perspective of legal services organizations that counsel and guide DACA recipients and the immigrant community affected by the rescission of DACA. Their knowledge and perspective is both desirable and relevant to the disposition of the issues before Court. For the foregoing reasons, proposed *amici* respectfully request permission to file a brief of the legal services organizations as *amici curiae* in each of the above-captioned parallel cases on or before December 22, 2017.

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<sup>5</sup> Counsel for proposed *amici* are aware of, and coordinating with counsel for a separate group of legal services organizations seeking leave to file a separate brief as *amici curiae* on different issues, including harm to legal services organizations, themselves, as a result of the rescission of the DACA program. Counsel believe that the arguments and facts presented in each of the legal services *amici* briefs are distinct due to the focus on different types of harms to different constituencies affected by the rescission of the DACA program, and that both briefs provide a unique perspective beyond that otherwise available from the parties.

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Respectfully Submitted,



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CC: All Counsel of Record (VIA ECF)

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## APPENDIX A

Proposed *amici* include the following legal services organizations:

**Asian Law Alliance** is a community law office that provides individual legal assistance, community legal education, and community advocacy in the Asian Pacific Islander community and immigrant community in the County of Santa Clara, California. Asian Law Alliance helps individuals, especially those who have limited English proficiency, obtain justice in the immigration system.

**Canal Alliance** provides comprehensive immigration legal services in Marin County, California, and strives to eliminate barriers to legal integration for the low-income immigrant population. Canal Alliance provides legal consultations and educational programs to ensure its clients receive the resources and support they need while developing critical skills for long-term success.

**Centro Legal de la Raza** is a comprehensive legal services organization that protects and advances the rights of immigrant, low-income, and Latino communities in northern California through bilingual legal representation, education, and advocacy. Centro Legal de la Raza's immigration practice focuses on serving the needs of the most vulnerable community members, including undocumented immigrants, families, and DACA recipients.

**Children's Law Center of Massachusetts** (CLCM) provides legal representation to low-income children and youth throughout the Commonwealth in child welfare, education, immigration, delinquency, and mental health matters. CLCM's immigration practice focuses on serving the needs of the most vulnerable children and youth of our communities, including unaccompanied minors, children seeking asylum, and DACA recipients.

**Community Legal Services in East Palo Alto** (CLSEPA) provides legal services to low-income individuals and families in East Palo Alto, California, and beyond. Its practice areas include immigration, housing, workers' rights, and records clearance. CLSEPA provides immigration services to low-income families and youth, and has focused on navigating complex petitions for DACA.

**Dolores Street Community Services** strives to improve individuals' lives and affect broader social change through advocacy and community organizing efforts. Dolores Street Community Services' Deportation Defense & Legal Advocacy Program specializes in deportation defense in complex cases, and provides legal services to other immigrant community members, including DACA recipients.

**East Bay Sanctuary Covenant** provides protection and advocacy to low-income and indigent refugees and immigrants. East Bay Sanctuary Covenant provides immigrants and refugees with a variety of legal services and representation, including DACA applications, and also provides educational programs to educate and assist clients to advocate for their own rights.

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**Heartland Alliance's National Immigrant Justice Center (NIJC)** provides direct legal services to and advocates for immigrants, refugees, and asylum seekers. NIJC engages in policy reform, impact litigation, and public education by blending individual client advocacy with broad-based systemic change. NIJC attorneys provide consultation and legal representation in a wide variety of immigration matters, including DACA applications.

**Hebrew Immigrant Aid Society (HIAS) Pennsylvania** provides services to more than 2,500 persons per year and have served immigrants and refugees for 135 years. HIAS Pennsylvania's legal services program serves immigrant youth through its immigrant youth advocacy initiative, its immigrant victims of domestic violence initiative, and its Latino Outreach Immigration Services initiative. Through these initiatives, HIAS has assisted DACA-eligible youth in applying for DACA when no other remedies were available.

**Immigrant Legal Resource Center (ILRC)** is a national nonprofit resource center that provides immigration legal trainings, technical assistance, and educational materials. ILRC attorneys conduct trainings and provide technical support to immigration practitioners assisting individuals in the DACA application process, and advocate at the federal level for a broadly inclusive DACA program.

**Justice Center of Southeast Massachusetts** provides legal services to low-income individuals throughout southeastern Massachusetts. The Justice Center provides services across a broad range of legal issues including housing, education, family law, benefits, and immigration. The immigration unit works with low-income immigrants, including those facing deportation, on a variety of relief applications including DACA.

**Just Neighbors** provides immigration legal services, including assistance with DACA applications, to low-income immigrants and refugees in northern Virginia, especially to those who are most vulnerable. Just Neighbors partners with other nonprofit organizations, community volunteers, and pro bono attorneys to empower their clients and educate the community about current immigration laws and policies.

**Legal Aid Justice Center (LAJC)** provides legal advice, referrals, and direct legal representation to thousands of low-income individuals in Virginia. Since 2012, LAJC has helped over 300 immigrant youth obtain or renew DACA. LAJC also brought a lawsuit that ultimately led to the Commonwealth of Virginia recognizing in-state tuition status for DACA beneficiaries, and helped dozens of DACA students with related problems such as access to education and in-state tuition, drivers' licenses, employment issues, and access to housing and credit.

**The Legal Aid Society of San Mateo County (LASSMC)** provides legal services to San Mateo County, California residents in areas including housing, health, public benefits, education, domestic violence, and immigration. Through the Linking Immigrants to Benefits, Resources & Education (LIBRE) project, LASSMC collaborates with community partners to educate the

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immigrant community about safety net services and immigration opportunities. LASSMC helps teen parent families, youth, and other low-income immigrants apply for DACA and other forms of immigration relief.

**Legal Services for Children** (LSC) provides free legal representation and assistance to children and youth in northern California, working to empower clients and actively involve them in critical decisions that impact their lives. LSC represents youth, including DACA recipients, in immigration cases.

**Massachusetts Law Reform Institute** (MLRI) advances economic, racial, and social justice through legal action, policy advocacy, coalition building, and community outreach. MLRI's legal initiatives include litigation and administrative advocacy to ensure access to in-state tuition, state merit scholarships, and state financial aid for college-bound DACA recipients as well as training and technical assistance for legal services lawyers who represent DACA recipients.

**National Justice for Our Neighbors** provides free or low-cost immigration legal services for low-income immigrants. National Justice for Our Neighbors supports seventeen Justice for Our Neighbors sites across the country and operates more than 40 clinics nationally. Attorneys assist clients with deportation defense and applications for asylum, DACA, family-based visas, Special Immigrant Juvenile Status, and U visas.

**New York Legal Assistance Group** (NYLAG) provides legal assistance to New York City's poor and near poor in the areas of government benefits, family law, immigration, disability rights, housing law, special education, and consumer debt, among others. NYLAG's Immigrant Protection Unit (IPU) provides individuals in New York's low-income immigrant communities, including DACA recipients, with assistance securing or continuing lawful status in the United States.

**Northwest Immigrant Rights Project** advocates for immigrants in Washington State through direct legal services, systemic advocacy, and community education. Northwest Immigrant Rights Project provides legal representation in areas such as asylum, DACA, family-based petitions, U visas for survivors of domestic violence and other crimes, naturalization, Special Immigrant Juvenile Status, and deportation defense.

**OneJustice** serves as an innovation lab on legal services and works with law schools and students, the private legal sector, and legal service nonprofits to provide legal assistance to those in need. OneJustice programs include pro bono projects to bring immigration legal services to immigrants, including DACA-eligible youth, living in rural communities.

**Rocky Mountain Immigrant Advocacy Network** (RMIAN) works to ensure equal access to justice for adults in immigration detention and for immigrant children in Colorado and the Mountain West region. Its DACA Project provides outreach about DACA and quality legal representation to DACA-eligible youth.

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**Services, Immigrant Rights, and Education Network** (SIREN) empowers low-income immigrants and refugees in Silicon Valley through legal services, policy advocacy, community education, and community organizing. Through its Immigration Legal Services Program (ILSP), SIREN provides consultations and application assistance in a wide range of immigration areas, including DACA renewals, family-based petitions, removal defense, and U visas.